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Date: February 17, 2004

To: Office of Initial Patent Examination
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Facsimile No. 703-746-9195 512-4306

From: Carol M. LaSalle

Message: Please see the attached Request for Corrected Filing Receipt
Application No. 10/678,343
Filing Date: October 3, 2003
Our Ref.: CNVC-005US2CON2

Total number of pages, including this cover sheet: 11

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Atty Dkt. No. CNVG-005US2CON2
USSN: 10/678,343

Certificate of Transmission. I hereby certify that this correspondence is being facsimile transmitted to the Office of Initial Patent Examination (fax no. 703.746.9195) on the date shown below.		
Typed or Printed Name	Kimberly Williams Zuchke	
Signature	<i>Kimberly W Zuchke</i>	
Date	17 Feb. 2004	
COMMUNICATION REGARDING RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT FILED BY FACSIMILE	Attorney Docket	CNVG-005US2CON2
	Applicant	FLEISCHMAN, SIDNEY D.
	Serial Number	10/678,343
	Filing Date	October 3, 2003
	Group Art Unit	3731
	Examiner Name	
Title: "ANASTOMOSIS SYSTEMS"		

Sir:

In response to the Communication dated January 26, 2004 regarding the response to our Request for a Corrected Filing Receipt, please find attached a mark-up version together with copies of the Initial Application Data Sheet and first two pages of the Preliminary Amendment as filed with the original application. Applicant respectfully requests that the Commissioner issue a corrected Official Filing Receipt.

If for any reason a fee is found to be necessary, the Commissioner is authorized to charge such fee to Deposit Account No. 50-0815.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 2/16/04By: *Carol M. LaSalle*

Carol M. LaSalle
Registration No. 39,740

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WASHINGTON, DC 20231
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./FILE
10/678,343	10/03/2003	Sidney D. Fleischman	CNMG-005US2CON2

CONFIRMATION NO. 1795

24353
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200 MIDDLEFIELD RD
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OC0000000117678411

FEB 02 2004

Bozicevic, Field, & Francis

Date Mailed: 01/26/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

Handwritten: DOCKETED
12/12/04
priority data

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- KWZ*
OK
- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 C.F.R. 1.55 or 1.78.
 - ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. 09/329,503 filing date 08/10/1999
 - ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
 - ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
 - ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
 - ☐ Foreign priority will appear on the Filing Receipt in the following order:
Country, Application number, Filing date.
 - ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
 - ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKLT NO	DRAWINGS	TOT CLMS	IND CLMS
10/678,343	10/03/2003	3731	385	CNVG 005US2CON2	54	11	2

CONFIRMATION NO. 1795

FILING RECEIPT



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Date Mailed: 12/30/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Sidney D. Fleischman, Menlo Park, CA;
Russell A. Houser, Livermore, CA;
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Patrick M. Owens, Half Moon Bay, CA;

Assignment For Published Patent Application

Converge Medical Inc.;

Domestic Priority data as claimed by applicant

This application is a CONT. of 09/997,613 filed 10/24/2001 PAK 6,643,900,
which is a CONT. of 03/730,366 filed 05/20/00 PAK 6,643,900,
which claims benefit of 60/110,100 filed 12/03/99

Foreign Applications and claims benefit of 60/121,805 04/01/99
and claims benefit of 04/329,503 06/10/99

If Required, Foreign Filing License Granted: 12/20/2003 and is related to 01/06/04

Projected Publication Date: 04/08/2004

Non-Publication Request: No

Early Publication Request: No

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✓
** SMALL ENTITY **

✓
Title

Anastomosis systems

Preliminary Class

606

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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